

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

DEC 17 2010

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2010-0213
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
DANNY JAMES SIMMONS,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20094200002

Honorable John S. Leonardo, Judge

AFFIRMED

Isabel G. Garcia, Pima County Legal Defender
By Alex Heveri

Tucson
Attorneys for Appellant

ECKERSTROM, Judge.

¶1 Following a three-day jury trial, appellant Danny Simmons was convicted of two counts each of armed robbery and aggravated assault, and one count of aggravated robbery, all of which were dangerous offenses. The trial court sentenced Simmons to concurrent terms of imprisonment, the longest being eleven years, with credit for 230 days served. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967) and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has

thoroughly reviewed the record and has found no meritorious issues to raise on appeal. Counsel has asked us to search the record for “error.” Simmons has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, the evidence was sufficient to support each of the jury’s findings of guilt, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), and the sentences are within the statutory limits. In October 2009, two men entered a bank located inside a Tucson grocery store and demanded money at gunpoint from two of the tellers. The tellers gave the men “bait money,” which consists of money bearing recorded serial numbers that is placed in a bag with a tracking device. Police tracked the bait money to Simmons and his codefendant, both of whom were found with large amounts of cash, including bait money, in their pockets. In addition, one of the bank’s tracking devices was found in the back seat of a vehicle temporarily registered to Simmons.

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Simmons’s convictions and sentences.

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Judge

CONCURRING:

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge